

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

TERRY HAMILTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
(1) THE HARTFORD FINANCIAL	)	Case No. <u>15-CV-00391-FHS</u>
SERVICES GROUP, INC.,	)	
(2) HARTFORD LIFE AND ACCIDENT	)	<i>(Removed from District Court</i>
INC., AND	)	<i>of Okmulgee County, Case No.</i>
(3) HARTFORD FIRE INC.,	)	<i>CJ-2015-139)</i>
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants The Hartford Financial Services Group, Inc.; Hartford Life and Accident Insurance Company, incorrectly named as Hartford Life and Accident, Inc.; and Hartford Fire Insurance Company, incorrectly named as Hartford Fire, Inc. (collectively, "Hartford"),<sup>1</sup> hereby remove this action from the District Court of Okmulgee County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

1. On September 4, 2015, Plaintiff Terry Hamilton filed his petition (hereinafter referred to as "complaint") in the District Court of Okmulgee County, Oklahoma, captioned *Terry Hamilton v. The Hartford Financial Services Group, Inc.; Hartford Life & Accident Inc., and Hartford Fire Inc.*, Okmulgee County Case No. CJ-2015-139.

2. Hartford was served September 14, 2015. A copy of the complaint and summons is attached as Exhibit 1, along with the civil cover sheet filed by Plaintiff in state court. No other documents have been filed in the case.

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<sup>1</sup> Hartford Life and Accident Insurance Company is the correct defendant.

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b).

4. Plaintiff is a citizen of the State of Oklahoma. *See* Complaint at ¶ 1 (Ex. 1).

5. The properly named defendant, Hartford Life and Accident Insurance Company is a corporation organized under the laws of the State of Connecticut, with its principal place of business in the State of Connecticut. However, all other named defendants are all also organized under the laws of states other than Oklahoma, with their principal places of business in states other than Oklahoma. Specifically:

a. The Hartford Financial Services Group, Inc., is a corporation organized under the laws of the State of Delaware, with its principal place of business in the State of Connecticut.

b. Hartford Life and Accident Insurance Company, incorrectly named as Hartford Life and Accident, Inc., is a corporation organized under the laws of the State of Connecticut, with its principal place of business in the State of Connecticut.

c. Hartford Fire Insurance Company, incorrectly named as Hartford Fire, Inc., is a corporation organized under the laws of the State of Connecticut, with its principal place of business in the State of Connecticut.

6. Plaintiff alleges damages in an amount in excess of \$75,000, exclusive of interest and costs. *See* Complaint at ¶ 15, Prayer for Relief (Ex. 1).

7. Therefore, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Eastern District of Oklahoma because this District includes Okmulgee County, Oklahoma where this action is pending. *See* 28 U.S.C. § 116(b).

9. Pursuant to LCvR 81.2, a copy of the docket sheet is attached to this Notice as Exhibit 2.

10. Pursuant to 28 U.S.C. § 1446(d), Hartford certifies that it will give written notice of the filing of this Notice of Removal to all known counsel of record, and will likewise file a copy of this Notice of Removal with the District Court of Okmulgee County, Oklahoma.

11. In alleging the amount-in-controversy for purposes of removal, Hartford does not concede in any way that the allegations in the Complaint are accurate, that Plaintiff is entitled to any amount alleged in the Complaint, that Plaintiff has asserted claims upon which relief can be granted, or that recovery of any of the amounts sought is authorized or appropriate.

12. This Notice of Removal does not waive any objections Hartford has to improper service of process, jurisdiction, venue, or any other defenses or claims, all of which are expressly reserved.

WHEREFORE, Hartford hereby removes this matter from the District Court of Okmulgee County, Oklahoma to the United States District Court for the Eastern District of Oklahoma.

Respectfully submitted,

*s/ Jodi W. Dishman*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of October 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrants:

Jessika M. Tate  
Tate Law Firm  
510 N. Sheridan Rd., Suite A  
Tulsa OK 74115

And by First Class Mail.

*s/ Jodi W. Dishman*